

## Case Docket Entries

CC-17-2024-C-55

Court: **Circuit** County: **17 - Harrison** Created Date: **2/27/2024** Security Level: **Public**  
 Judge: **Christopher J. McCarthy** Case Type: **Civil** Case Sub-Type: **Contract** Status: **Open**

Related Cases:

Style: **Jean Travis v. Credit Acceptance Corporation**

|   | <u>Entered Date</u>  | <u>Event</u>   | <u>Ref. Code</u> | <u>Description</u>   |
|---|----------------------|--|------------------|--|
| 1 | 2/27/2024 8:34:29 AM | E-Filed  |                  | Complaint  |
|   | 1-1 2/27/2024        | Civil Case Information Statement   |                  |  |
|   | 1-2 2/27/2024        | Complaint - Complaint  |                  |  |
|   | 1-3 2/27/2024        | Transmittal  |                  |  |
|   | 1-4 2/27/2024        | Summons  |                  |  |
| 2 | 2/27/2024 8:34:29 AM | Judge Assigned   | J-17001          | Christopher J. McCarthy  |
| 3 | 2/27/2024 8:34:29 AM | Party Added  | P-001            | Jean Travis  |
| 4 | 2/27/2024 8:34:29 AM | Party Added  | D-001            | Credit Acceptance Corporation  |
| 5 | 2/27/2024 8:34:29 AM | Party Added  | D-002            | Transportation Network XI, LLC d/b/a Crown Mitsubishi  |
| 6 | 2/27/2024 8:34:29 AM | Attorney Listed  | P-001            | A-12233 - Michael Chester Nissim-Sabat   |
| 7 | 2/27/2024 8:34:29 AM | Service Requested  | D-001            | Secretary of State - Certified - Including Copy Fee  |
| 8 | 2/27/2024 8:34:29 AM | Service Requested  | D-002            | Secretary of State - Certified - Including Copy Fee  |
| 9 | 3/6/2024 2:56:32 PM  | E-Docketed   |                  | Service Return - Serv. rets. to SOS for Credit Acceptance Corp. and Transportation Network 2/28/24 |
|   | 9-1 3/6/2024         | Service Return - Serv. rets. to SOS for Credit Acceptance Corp. and Transportation Network 2/28/24 |                  |  |
|   | 9-2 3/6/2024         | Service Return - Serv. rets. to SOS for Credit Acceptance Corp. and Transportation Network 2/28/24 |                  |  |
|   | 9-3 3/6/2024         | Transmittal  |                  |  |

State of West Virginia

County of Harrison, Circuit and Family Court

I, Albert F. Marano, Clerk of said county and in said state,  
do hereby certify that the foregoing is a true copy from the  
records of said court given under my hand and seal this

51st day of March 2024

By Albert F. Marano  
Deputy Clerk cm

E-FILED | 2/27/2024 8:34 AM  
CC-17-2024-C-55  
Harrison County Circuit Clerk  
Albert F. Marano

# COVER SHEET

## GENERAL INFORMATION

IN THE CIRCUIT COURT OF HARRISON COUNTY WEST VIRGINIA

**Jean Travis v. Credit Acceptance Corporation**

**First Plaintiff:**

☐ Business ☒ Individual  
☐ Government ☐ Other

**First Defendant:**

☒ Business ☐ Individual  
☐ Government ☐ Other

**Judge:**

Christopher J. McCarthy

## COMPLAINT INFORMATION

**Case Type:** Civil

**Complaint Type:** Contract

**Origin:**

☒ Initial Filing ☐ Appeal from Municipal Court ☐ Appeal from Magistrate Court

**Jury Trial Requested:**

☒ Yes ☐ No

**Case will be ready for trial by:** 3/2/2025

**Mediation Requested:**

☐ Yes ☒ No

**Substantial Hardship Requested:**

☐ Yes ☒ No

☐ Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- ☐ Wheelchair accessible hearing room and other facilities  
☐ Interpreter or other auxiliary aid for the hearing impaired  
☐ Reader or other auxiliary aid for the visually impaired  
☐ Spokesperson or other auxiliary aid for the speech impaired  
☐ Other: \_\_\_\_\_

☐ I am proceeding without an attorney

☒ I have an attorney: Michael Nissim-Sabat, 1029 UNIVERSITY AVE STE 101, MORGANTOWN, WV 26505

EXHIBIT A

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## SERVED PARTIES

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**Name:** Credit Acceptance Corporation

**Address:** c/o Corporation Service Company 209 West Washington Street, Charleston WV 25302

**Days to Answer:** 30

**Type of Service:** Secretary of State - Certified - Including Copy Fee

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**Name:** Transportation Network XI, LLC d/b/a Crown Mitsubishi

**Address:** c/o Kolten Saunders 1749 East Pike Street, Clarksburg WV 26301

**Days to Answer:** 30

**Type of Service:** Secretary of State - Certified - Including Copy Fee

---

**IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA**

**JEAN D. TRAVIS,**

**Plaintiff,**

**v.**

**Civil Action No. \_\_\_\_\_**

**CREDIT ACCEPTANCE CORPORATION, and  
TRANSPORTATION NETWORK XI, LLC d/b/a  
CROWN MITSUBISHI,**

**Defendants.**

**COMPLAINT**

1. This Complaint arises out of violation of the federal Truth in Lending Act in connection with the sale of a 2024 Mitsubishi Outlander Sport. Defendants, Credit Acceptance Corporation (“CAC”), with its joint venturer, Transportation Network XI, LLC d/b/a Crown Mitsubishi induced Plaintiff Jean D. Travis into the purchase of a vehicle as the primary borrower and violated the Truth in Lending Act by failing to provide Ms. Travis any disclosures. Ms. Travis brings this Complaint for actual damages, statutory penalties, attorneys fees, and all such other relief for which she is entitled.

**PARTIES**

2. Plaintiff Jean D. Travis is a 71-year-old woman who is primarily homebound, uses a walker, does not drive, and does not have a driver’s license. She is unsophisticated in financial matters. She lives at 111 Valentine Way, Clarksburg, WV 26301-7039.

3. Defendant CAC is a corporation registered to do business in West Virginia with its principal office at 25505 West 12 Mile Road, Southfield, Michigan 48034. Upon information and belief, Defendant CAC financed the purchase of the subject vehicle.

**EXHIBIT A**

(b) Defendant CAC is regularly engaged in the business of providing subprime consumer financing for the purchase of used autos. Its business targets individuals with poor or no credit history who lack alternative ways to purchase the vehicles needed for daily transportation to work, medical appointments, school, etc.

(c) Defendant CAC operates a national enterprise to this end by establishing joint ventures with local auto dealers (whom CAC refers to as its “Dealer-Partners”) to facilitate and accomplish the consumer credit sale of used motor vehicles, and the making, servicing, and securitization of auto financing contracts with such consumers. Defendant CAC has established such joint ventures with numerous auto dealerships doing business with West Virginia consumers across the geographical breadth of the state.

(d) The enterprise arises from and is controlled and directed by standardized and uniform written dealer agreements, drafted by CAC, which each Dealer-Partner is required to sign with CAC. Pursuant to these standardized agreements, each Dealer-Partner agrees to pay substantial sign-up and/or ongoing fees to CAC for the right to become a Dealer-Partner and use CAC’s patented business systems, sales procedures, and financing practices. CAC oversees and enforces operation of these joint ventures to assure compliance and conformity with the terms of those standard agreements.

4. Transportation Network XI, LLC d/b/a Crown Mitsubishi is an automobile dealer located at 1749 East Pike Street, Clarksburg, WV 26301. Crown Mitsubishi was the dealer in the transaction that is the subject of this action.

## **STATEMENT OF FACTS**

### **Purchase**

5. In or around late 2023, Plaintiff's family friend asked Plaintiff to be a co-signer on the purchase of a vehicle.

6. Plaintiff had no intention of being the primary borrower because Plaintiff no longer drives. A few years ago, Plaintiff went into a nursing home, got rid of her car, and stopped driving.

7. Plaintiff also relinquished her driver's license in January 2023.

8. After having been in the nursing home and returning home, Plaintiff's mobility is limited, and she uses a walker to get around. Except for medical appointments, and visits to the grocery store or clothing store, Plaintiff does not leave her home without her caregiver.

9. Thereafter, in or around mid-January 2024, Defendant Crown Mitsubishi's agent, Victor, and Plaintiff's family friend came to Plaintiff's home.

10. Except for being provided a few minutes advance notice, Plaintiff was unaware that Defendant was coming to her home.

11. Prior to this date, Plaintiff had had no interaction whatsoever with Defendants.

12. At this time, the 2024 Mitsubishi Outlander Sport, the vehicle that is subject of this transaction, was driven to Plaintiff's home by Plaintiff's family friend.

13. Defendant Crown Mitsubishi's agent sat at Plaintiff's kitchen table.

### **Financing**

14. Upon information and belief, Crown Mitsubishi arranged for Plaintiff and her family friend to obtain financing through Defendant CAC.

15. Plaintiff intended only to be the co-signer on the financing arrangement. Even so, Plaintiff never provided Defendants with her Social Security Number.

16. The signing of the documents was extremely hurried and rushed. The dealer's employee quickly flipped through the documents; did not explain any of the documents; and directed the Plaintiff to sign in three places.

17. Plaintiff signed the documents with the belief that she was signing as a co-signer to a vehicle that would be purchased by her family friend.

18. At no time prior to signing did the Plaintiff receive any disclosures, including any material disclosures, that she could keep.

19. At no time prior to signing did Plaintiff receive a notice of co-signer.

20. After Plaintiff signed the paperwork, Defendant's employee took the paperwork and did not provide Plaintiff any documentation whatsoever related to the subject transaction.

21. Plaintiff has not received any paperwork related to the origination of the subject transaction.

Receipt of Any Paperwork

22. About three weeks after Plaintiff signed the paperwork with Defendant's employee, in early February 2024, Plaintiff received a *Notice of Right to Cure* from Defendant CAC.

23. This was the first time that Plaintiff received any paperwork related to the subject vehicle.

24. A few days later, Plaintiff then received a *PAYMENT DUE NOTICE* from Defendant CAC.

25. Upon information and belief, Defendants made Plaintiff the primary borrower on the financing.

26. Upon information and belief, the contract had an Arbitration Provision.



27. Plaintiff never agreed to arbitration, never was told there was an Arbitration Provision among the documents she hurriedly signed, and has never received a copy of any Arbitration Provision.

Damage

28. Plaintiff has suffered economic damages in addition to worry, stress, annoyance and inconvenience as a result of the dealer and CAC's conduct.

**CLAIM FOR RELIEF**

**COUNT I – VIOLATION OF TRUTH-IN-LENDING ACT**

29. Plaintiff incorporates all of the preceding paragraphs by reference.

30. At no time prior to or since Plaintiff's signing of the documents in mid-January 2024 have Defendants provided Plaintiff with any paperwork related to the origination of subject matter transaction.

31. In the course of a consumer credit transaction, Defendants failed to provide a copy of all required disclosures clearly and conspicuously in writing in a form the consumer can keep prior to consummation of the transaction, in violation of 15 U.S.C. § 1638(b)(1) and 12 C.F.R. § 226.17(a)(1).

**WHEREFORE**, Plaintiff respectfully requests the following relief:

(a) Actual damages and statutory civil damages pursuant to 15 U.S.C. § 1640(a), (e);

(b) Reasonable attorney's fees and the costs of this litigation pursuant to 15 U.S.C. § 1640(a)(3); and

(c) Such other and further relief as this Court deems equitable and just.

**PLAINTIFF DEMANDS TRIAL BY JURY ON ALL ISSUES SO TRIABLE.**



Respectfully submitted,  
**Jean D. Travis,**  
**Plaintiff,**

By: s/Michael Nissim-Sabat

Michael Nissim-Sabat (WV State Bar No. 12233)  
Bren Pomponio (WV State Bar No. 7774)  
Mountain State Justice, Inc.  
1217 Quarrier Street  
Charleston WV 25301  
Phone: 304.344.3144  
Fax: 304.344.3145  
Email: michael@msjlaw.org  
Email: bren@msjlaw.org

***Counsel for Plaintiff***



## West Virginia E-Filing Notice

CC-17-2024-C-55

Judge: Christopher J. McCarthy

To: Michael Nissim-Sabat  
michael@msjlaw.org

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## NOTICE OF FILING

---

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

Jean Travis v. Credit Acceptance Corporation

CC-17-2024-C-55

The following complaint was FILED on 2/27/2024 8:34:26 AM

Notice Date: 2/27/2024 8:34:26 AM

Albert F. Marano  
CLERK OF THE CIRCUIT COURT  
Harrison County  
301 W. Main Street  
CLARKSBURG, WV 26301

(304) 624-8640  
Albert.Marano@courts.wv.gov

**EXHIBIT A**



## West Virginia E-Filing Notice

CC-17-2024-C-55

Judge: Christopher J. McCarthy

**To:** Credit Acceptance Corporation  
c/o Corporation Service Company  
209 West Washington Street  
Charleston, WV 25302

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**To:** Transportation Network XI, LLC d/b/a Crown Mitsubishi  
c/o Kolten Saunders  
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Clarksburg, WV 26301

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## SUMMONS

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Harrison County Circuit Clerk  
Albert F. Marano

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

**Jean Travis v. Credit Acceptance Corporation**

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Credit Acceptance Corporation, c/o Corporation Service Company, 209 West Washington Street, Charleston, WV 25302  
THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Michael Nissim-Sabat, 1029 UNIVERSITY AVE, STE 101, MORGANTOWN, WV 26505

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

2/27/2024 8:34:26 AM

Date

/s/ Albert F. Marano

Clerk

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on \_\_\_\_\_

☐ I certify that I personally delivered a copy of the Summons and Complaint to \_\_\_\_\_

☐ I certify that I personally delivered a copy of the Summons and Complaint to the individual's dwelling place or usual place of abode to \_\_\_\_\_, a member of the individual's family who is above the age of sixteen (16) years and by advising such person of the purpose of the summons and complaint.

☐ Not Found in Bailiwick

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Harrison County Circuit Clerk  
Albert F. Marano

Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305



**Mac Warner**  
Secretary of State  
State of West Virginia  
Phone: 304-558-6000  
886-767-8883  
Visit us online:  
[www.wvsos.com](http://www.wvsos.com)

CLERK OF THE CIRCUIT COURT OF HARRISON COUNTY  
301 WEST MAIN STREET  
SUITE 301  
Clarksburg, WV 26301-2967

RECEIVED  
CLERK OF COURT  
HARRISON COUNTY  
MAR 29 2 14 PM

**Control Number:** 320594

**Defendant:** CREDIT ACCEPTANCE  
CORPORATION  
209 West Washington Street  
Charleston, WV 25302 US

**Agent:** Corporation Service Company

**County:** Harrison

**Civil Action:** 24-C-55

**Certified Number:** 92148901125134100003916134

**Service Date:** 2/28/2024

I am enclosing:

**1 summons and complaint**

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.*

Sincerely,

A handwritten signature in cursive script that reads "Mac Warner".

Mac Warner  
Secretary of State

**EXHIBIT A**

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2/27/2024 8:34 AM  
2024-C-55  
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THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Michael Nissim-Sabat, 1029 UNIVERSITY AVE, STE 101, MORGANTOWN, WV 26505

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

2/27/2024 8:34:26 AM

Date

/s/ Albert F. Marano

Clerk

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on \_\_\_\_\_

☐ I certify that I personally delivered a copy of the Summons and Complaint to \_\_\_\_\_

☐ I certify that I personally delivered a copy of the Summons and Complaint to the individual's dwelling place or usual place of abode to \_\_\_\_\_, a member of the individual's family who is above the age of sixteen (16) years and by advising such person of the purpose of the summons and complaint.

☐ Not Found in Bailiwick

\_\_\_\_\_  
Date

\_\_\_\_\_  
Server's Signature

EXHIBIT A



FILED | 3/6/2024 2:56 PM  
CC-17-2024-C-55  
Harrison County Circuit Clerk  
Albert F. Marano

Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305



**Mac Warner**  
Secretary of State  
State of West Virginia  
Phone: 304-558-6000  
886-767-8683  
Visit us online:  
[www.wvsos.com](http://www.wvsos.com)

CLERK OF THE CIRCUIT COURT OF HARRISON COUNTY  
301 WEST MAIN STREET  
SUITE 301  
Clarksburg, WV 26301-2967

**Control Number:** 320593

**Defendant:** TRANSPORTATION NETWORK XI,  
LLC  
1749 EAST PIKE STREET  
CLARKSBURG, WV 26301 US

**Agent:** KOLTEN SAUNDERS

**County:** Harrison

**Civil Action:** 24-C-55

**Certified Number:** 92148901125134100003916127

**Service Date:** 2/28/2024

I am enclosing:

**1 summons and complaint**

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, **not to the Secretary of State's office.***

Sincerely,

A handwritten signature in cursive script that reads "Mac Warner".

Mac Warner  
Secretary of State

**EXHIBIT A**

# SUMMONS

FILED 2/27/2024 8:34 AM  
CG-17-2024-C-55  
Harrison County Circuit Clerk  
Albert F. Marano

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

**Jean Travis v. Credit Acceptance Corporation**

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Transportation Network XI, LLC d/b/a Crown Mitsubishi, c/o Kolten Saunders, 1749 East Pike Street, Clarksburg, WV 26301  
THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

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☐ Not Found in Bailiwick

Date

Server's Signature

EXHIBIT A





## West Virginia E-Filing Notice

CC-17-2024-C-55

Judge: Christopher J. McCarthy

To: Michael Chester Nissim-Sabat  
michael@msjlaw.org

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## NOTICE OF FILING

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IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

Jean Travis v. Credit Acceptance Corporation

CC-17-2024-C-55

The following service return was FILED on 3/6/2024 2:56:29 PM

Notice Date: 3/6/2024 2:56:29 PM

Albert F. Marano  
CLERK OF THE CIRCUIT COURT  
Harrison County  
301 W. Main Street  
CLARKSBURG, WV 26301

(304) 624-8640  
Albert.Marano@courtsww.gov

**EXHIBIT A**